

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

CHARLES GUNDLAH, JR.,
Plaintiff

v.

CHARLES REMICK, District Manager,
Vermont Department of Corrections,
Defendant

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File No. 1:03-CV-309

ORDER

The Magistrate Judge's Report and Recommendation was filed June 3, 2005 (Paper 22). After de novo review and absent timely objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The plaintiff's motion to dismiss (Paper 20) is GRANTED, and this action is hereby DISMISSED without prejudice. The defendant's motion for summary judgment (Paper 19) is DENIED as moot.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 23rd day of June, 2005.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge